

**MINUTES**  
**SAN DIEGO COUNTY PLANNING COMMISSION**  
**Regular Meeting – May 22, 2009**  
**DPLU Hearing Room, 9:00 a.m.**

The meeting convened at 9:04 a.m., recessed at 10:03 a.m., reconvened at 10:26 a.m., recessed at 12:03 p.m., reconvened at 12:10 p.m., and adjourned at 1:25 p.m.

**A. ROLL CALL**

**Commissioners Present:** Beck (in at 9:47 a.m.), Brooks, Day (out at 1:15 p.m.), Norby, Pallinger, Riess, Woods

**Commissioners Absent:** None

**Advisors Present:** Goralka, Lantis, Sinsay (DPW); Taylor (OCC)

**Staff Present:** Baca, Beddow, Brown, Chan, Ehsan, Gibson, Giffen, Maxson, Rosenberg, Rowan, Russell, Shalom, Jones (recording secretary)

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of March 13**

**Action:** Riess - Day

Approve the Minutes of March 13, 2009.

Ayes: 6 - Brooks, Day, Norby, Pallinger, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 1 - Beck

**C. Public Communication:** Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

**D. Announcement of Handout Materials Related to Today's Agenda Items**

**E. Requests for Continuance**

**F. Formation of Consent Calendar:** Items 2 (R07-010) and 3 (TM 5364)

**Administrative:**

**G. Director's Report:**

- **Results of Board of Supervisors Hearing(s) on Items Previously Considered by the Planning Commission (Gibson)**

At their May 13, 2009 meeting, the Board of Supervisors adopted the Planning Commission's recommendations to approve the Lago de San Marcos (TM 5388RPL<sup>3</sup>/R07-009, a three-story, 42-unit residential condominium complex considered by the Planning Commission on March 13, 2009). Staff also provided the Board with a status report on the General Plan Update.

**PAA 08-009, Agenda Item 1:**

**1. Tavarez Plan Amendment Authorization (PAA) 08-009, Valley Center Community Plan Area**

Request for a Plan Amendment Authorization (PAA) to allow submittal of an application to change a parcel's General Plan Regional Land Use Category from (18) Multiple Rural Use to (11) Office -Professional. County Board of Supervisor's Policy I-63 allows property owners or other interested persons to present a private request to the Director of Planning and Land Use to initiate a General Plan Amendment through the Plan Amendment Authorization Process. The Director of Planning and Land Use has determined not to initiate PAA 08-009; therefore, the property owner is requesting that it be initiated by the Planning Commission. The project site is located at 30665 Old Highway 395 in Escondido in the Valley Center Community Plan Area.

**Staff Presentation:** Brown

**Proponents:** 4; **Opponents:** 0

**Discussion:**

Staff informs the Planning Commission that the applicant filed this Plan Amendment Authorization (PAA) request in an effort to address existing onsite violations. Staff further informs the Commission that the proposed PAA is not consistent with the existing General Plan and approval would result in inconsistent land use patterns. The project site is heavily constrained and dominated by steep slopes. It contains sensitive biological resources and is proposed to be mitigation land in the draft North County MSCP. According to the draft General Plan, this property is also proposed to be down-zoned. Staff clarifies that the zoning violations have to do with the use of a trailer as an office for an existing onsite agricultural operation, and the use of a barn as a commercial contractor's office. Staff does not support the applicant's proposal to resolve zoning violations by amending the General Plan.

The applicant's representative informs the Planning Commission that a Major Use Permit was issued for the project site in 1987 and expired prior to the applicant's purchase of the property. The applicant was initially advised by Staff to obtain a Major Use Permit to legalize the office structure utilized for his six-acre wax flower business and the barn used as contractor's office, but was subsequently informed that he could not do so. He states there are currently 11 commercial businesses operating in this corner of the community.

**PAA 08-009, Agenda Item 1:**

The applicant's representative acknowledges that the property is not within the Current Urban Development Area, but explains that this area will be a major traffic corridor in the future and his proposal is more of an infill project. He further explains that the Planning Group is currently operating under an interim Community Plan; they voted to support his proposal and to address it when the new Community Plan is adopted.

The applicant's representative reminds the Planning Commission that there is no sewer service for this property, and an extensive sewer system would be required to develop more than the proposed four acres. He maintains that the site has been greatly improved since the applicant purchased it. The applicant would like to continue working with Staff, and his representatives urge the Planning Commission to allow this to occur. The applicant's representative reiterates that the Planning Commission is merely being asked for permission to proceed with the application process, and reminds them that approximately 70% of the property will remain as it currently exists. It is also noted that any future changes in use(s) on the property requires consideration by the Planning Group, the Planning Commission and the Board of Supervisors.

Staff explains that commercial zoning in this community is currently limited to an area on Nelson Way, approximately two miles from the project site. Commissioner Pallinger informs those in attendance that he is very familiar with the area and there are many commercial uses along this corridor. Commissioner Day notes that the Planning Group has voted to support this application three times, and the Group's minutes reflect that they understand the implications of allowing commercial zoning on the property. The applicant has asserted that he was initially provided with information that confused and misled him, and Commissioner Day supports approval of the PAA. He states the impacts of the proposal will be assessed when the project is submitted for review.

**Motion:** Pallinger - Day

Allow the applicant to proceed with the application process.

**Discussion of the Motion:**

Chairman Woods and Commissioner Norby are opposed to utilizing the PAA process to resolve zoning violations, and Staff indicates a willingness to continue discussions with the applicant. Commissioner Riess believes the proposed Zone Reclassification and the PAA will change the character of this area. He's concerned that the applicant is operating the contractor's business illegally, and is curious as to why the applicant is willing to incur the expense of a General Plan Amendment to continue operating such a small business. Commissioner

**PAA 08-009, Agenda Item 1:**

Riess supports postponing further consideration of this PAA for 30 days to allow the applicant and Staff to work on a more reasonable solution to the zoning violations. The applicant's representative is amenable to continue conferring with Staff so long as no additional fees are required.

**Amended Motion:** Pallinger - Day

Grant PAA 08-009. The applicant is to meet with Staff to discuss other options for resolving existing code violations, and will not be charged additional fees for these meetings.

**Discussion of the Motion:**

Commissioner Pallinger is hopeful that the applicant will discover during additional meetings with Staff that he does not need to proceed with the PAA. Chairman Woods remains opposed to the concept of resolving code violations with Plan Amendments. Commissioner Day understands Chairman Woods concerns, but sees that the history of this uses on property as being somewhat unique. Commissioner Day also reminds those in attendance that commercial uses have been operating onsite for at least a decade.

**This Motion is subsequently withdrawn.**

**Action:** Pallinger - Day

Continue consideration of PAA 08-009 to the meeting of June 5, 2009 to allow further discussions between the applicant and Staff.

Ayes:	6 -	Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	1 -	Beck
Absent:	0 -	None

**R07-010, Agenda Item 2:**

**2. Glen Abbey Memorial Park Zone Reclassification, R07-010, Sweetwater Community Plan Area**

Requested Zone Reclassification (per Condition A20 of Major Use Permit P52-008W<sup>3</sup>) to authorize the application of the "H" (Historical/Archaeological Landmark or District) Special Area Designator to portions of the Glen Abbey Memorial Park and Mortuary. The Historic District would include the Glen Abbey office/superintendent's building, the Glen Abbey restrooms, the original entrance gate, posts, and gate walls, the Little Chapel of the Roses, and the original lower and upper burial gardens. The project is located at 3838 Bonita Road in the Sweetwater Community Plan area.

**Staff Presentation:** Kwiatkowski

**Proponents:** 0; **Opponents:** 0

**Discussion:**

This proposal is recommended for approval on consent.

**Action:** Brooks - Pallinger

Recommend that the Board of Supervisors:

1. Find, in accordance with the California Environmental Quality Act (CEQA) Guidelines, that the County of San Diego has considered the environmental effects of the project as shown in the Mitigated Negative Declaration prepared by the lead agency dated January 3, 2005, and the Environmental Review Update Checklist for Projects with a Previously Approved Environmental Document dated May 22, 2009, and concurs with its Findings; and
2. Adopt the Form of Ordinance changing the zoning classification of certain property (R07-010).

Ayes:	6 -	Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Beck

**TM 5364, Agenda Item 3:****3. Daniels Tentative Map (TM) 5364, Fallbrook Community Plan**

Proposed Tentative Map to allow subdivision of 11.22 gross acres into 10 parcels ranging in size from 1.0 to 1.31 net acres for single-family residences. The site is subject to the Country Residential Development Area (CRDA) Regional Category, and the (2) Residential Land Use Designation, which allows a density of one dwelling unit per acre. Zoning for the project site is A70. The site contains an existing single-family residence that would be retained. A private cul-de-sac connecting to Green Canyon Road would provide access. The project would be served by individual septic systems on each lot and imported water from the Fallbrook Public Utility District, and an approximately 1,000' extension of water utilities would be required. Earthwork would consist of 9,000 cubic yards of cut and fill. Also included are road improvements along Green Canyon Road. The project site is located at 2045 Green Canyon Road in the Fallbrook Community Plan Area.

**Staff Presentation:** Ehsan

**Proponents:** 0; **Opponents:** 0

**Discussion:**

This proposal is approved on consent.

**Action:** Brooks - Pallinger

1. Adopt the Resolution approving TM 5364, allowing subdivision of 11.22 acres into 10 residential lots. The Resolution makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law; and
2. Adopt the Mitigated Negative Declaration dated February 10, 2009.

Ayes:	6 -	Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Beck

GPA 03-006, R03-017 and  
TM 5343RPL<sup>3</sup>, Agenda Item 4:

4. Fuerte Ranch Estates General Plan Amendment (GPA) 03-006, Zone  
Reclassification R03-017 and Tentative Map (TM) 5343RPL<sup>3</sup>, Valle de  
Oro Community Plan Area

Requested General Plan Amendment, Zone Reclassification, and Tentative Map for a residential development consisting of 40 residential lots with a minimum lot size of 0.5 acre. The parcel is a 27.26-acre site located south of Fuerte Drive and east of Damon Lane, with access off both roadways. The proposed project is subject to the Current Urban Development Area (CUDA) Regional Land Use Element, and the (19) Intensive Agriculture Land Use Designation. The site is currently zoned A72, General Agricultural. The requested General Plan Amendment proposes to change the designation for the site to (3) Residential, allowing a maximum density of two dwelling units per acre. The Zone Reclassification would change the zoning to RR2 (Rural Residential, 2 dwelling units per acre) to implement the proposed amendment to the Land Use Designation. The project site is located in the Valle de Oro Community Plan Area.

Staff Presentation: Maxson

Proponents: 5; Opponents: 30

Discussion:

Staff provides a brief oral and visual overview of the proposed project and informs the Planning Commission that the information contained in the Mitigated Negative Declaration addresses all potential impacts. Staff does not believe EIR is required. The Valle de Oro Community Planning Group representative insists that the project will greatly impact the character of this rural/estate residential area and result in a 700% population increase. He is adamant that the project violates the Valle de Oro Community Plan and the County's proposed General Plan. The Planning Group representative maintains that the traffic study is incorrect, and voices concerns about excessive grading and construction noise. He believes the proposed 16' tall fill slope will impact Damon Lane Nature Park and result in visual impacts on the residents of Damon Lane, and the introduction of public sewer service will further induce population growth. The Planning Group chairman also informs the Planning Commission that this area will be zoned one dwelling unit per acre in the updated General Plan.



GPA 03-006, R03-017 and  
TM 5343RPL<sup>3</sup>, Agenda Item 4:

The applicant's representative believes the proposal is consistent with the County's existing and proposed General Plan, and the Community Plan. He reminds the Planning Commission that the site was formerly a chicken ranch and is surrounded by 1/2-acre lots, and states there are 10,000 square-foot lots south of the project site. The applicant's representative explains that a supplement to the 2006 traffic study was produced in 2009 and it was determined that this project will result in no significant impacts. He informs the Planning Commission that Fuerte Drive currently operates at LOS "B" and will continue to operate at this level of service following project development. Left-turn pockets have significantly improved traffic safety, and additional road improvements will be provided to ease congestion on Damon Lane.

The applicant's representative states all proposed grading meets the requirements of the County's Grading Ordinance, temporary noise barriers will be installed to reduce noise impacts during construction, and soil studies have determined that neither the soil nor the groundwater have been contaminated by previous operations or uses on the project site. In addition, the applicant is required to complete asbestos and lead surveys before demolishing onsite structures that were constructed prior to 1980. The applicant's representative further explains that the proposed project will require annexation to the Otay Water District and the proposed sewer will be sized to service only the project site. With respect to discussions regarding any possible expansion of the sewer district, those will be between Spring Valley community representatives and the Otay Water District personnel.

Opponents:

Project opponents are adamant that the proposed project is inconsistent with the character of this community. They remain particularly dismayed with the proposal to construct a 16' berm facing their properties. They are concerned about increased traffic, and question the validity of onsite soil studies while alluding to possible contamination from past agricultural usage, and possible health impacts resulting from demolition of existing onsite structures. Project opponents maintain that this proposal will increase density by 700%, and express concern about

Commissioner Day is quite familiar with this part of the community and states it is within a transition area. Commissioner Norby states he cannot support the proposed grading, the proposed berm or the proposed level of density. Commissioner Riess questions whether it is possible to perform landform grading on the proposed slope for a more natural appearance. The applicant representative informs him that this is possible.

**GPA 03-006, R03-017 and  
TM 5343RPL<sup>3</sup>, Agenda Item 4:**

Chairman Woods believes the project, as proposed, will resemble an enclave. He notes that the proposed residences will be facing away from the existing homes, giving the proposed development the visual appearance of an isolated community. He is also concerned about the proposed 16' berm, and concerned about water availability.

Commissioner Beck notes that Staff supports the General Plan Update's proposed one-acre zoning for this area, as well as the applicant's proposed one-half acre lots. He believes an EIR is necessary to evaluate the impacts of this project. Commissioner Beck discusses the required annexation to the sewer district, the resultant 700% density increase if the proposal is approved, the proposed 16' berm, and the proposed grading. He believes the project could be constructed to accommodate the existing topography and to be more consistent with the character of the surrounding area. Commissioner Brooks concurs with the statements made by Commissioner Beck and he, too, believes the project could be redesigned to accommodate the area's natural topography.

Commissioner Pallinger reminds the applicant that mass grading to achieve balanced development is rarely a popular alternative. He's not opposed to the proposed .5-acre zoning, but believes the project could be more sensitively designed. Commissioner Day concurs with the statements of Commissioners Beck and Norby. He also supports Commissioner Pallinger's statements, in that he's not opposed to the proposed .5-acre zoning. He reminds those in attendance that the applicant submitted his application several years ago when different zoning was in place. He questions whether the applicant can explore other project alternatives that would address the concerns raised by community residents, but is informed that the applicant is unable to make any additional changes to the proposal.

**Motion:** Day - Pallinger

Find that the Planning Commission has reviewed and considered the information contained in the Final Mitigate Negative Declaration dated May 22, 2009 on file with the Department of Planning and Land Use and recommend that the Board of Supervisors:

- a. Adopt the Resolution approving GPA 09-001 for the Fuerte Ranch Estates, which makes the appropriate Findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and the County General Plan;

**GPA 03-006, R03-017 and  
TM 5343RPL<sup>3</sup>, Agenda Item 4:**

- b. Adopt the Form of Ordinance changing the zoning classification of certain property in the Valle de Oro Community Plan Area;
- c. Adopt the Resolution approving TM 5343RPL<sup>3</sup>, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law; and

Ayes: 2 - Day, Pallinger  
Noes: 5 - Beck, Brooks, Norby, Riess, Woods  
Abstain: 0 - None  
Absent: 0 - None

**The Motion fails.**

**Action:** Beck - Riess

Recommend that the Board of Supervisors not approve this project because the Planning Commission believes the proposal is inconsistent with community character and the proposed General Plan for this area, and the Planning Commission does not believe the Mitigated Negative Declaration adequately addresses the environmental impacts of the project.

Ayes: 5 - Beck, Brooks, Norby, Riess, Woods  
Noes: 2 - Day, Pallinger  
Abstain: 0 - None  
Absent: 0 - None

**Administrative:**

**G. Report on actions of Planning Commission's Subcommittees:**

There were none.

**H. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):**

None.

**I. Discussion of correspondence received by the Planning Commission:**

No changes to current Schedule.

**J. Scheduled Meetings:**

June 5, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 19, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 10, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 24, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 7, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 21, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 19, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 2, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 16, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 30, 2009	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
November 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

**Administrative:**

December 4, 2009                      Regular Meeting, 9:00 a.m., DPLU Hearing Room

December 18, 2009                      Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 1:25 p.m. to 9:00 a.m. on June 5, 2009 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.